IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.5606 of 2002

Shriniwas Keshav Vichare Petitioner
Vs.
Bombay Municipal Corporation & anr. Respondents

Mr.N.V.Bandiwadekar for petitioner.
Mr.S.J.Bhor for respondents.

CORAM: B.H.MARLAPALLE,J.

June 12, 2006.

P.C.

. Heard Mr.Bandiwadkar, the learned counsel for the petitioner and Mr.Bhor, learned counsel for the respondent - Municipal Corporation.

. No interference is called for in the impugned order passed by the learned Principal Judge, City Civil Court at Mumbai in dismissing Appeal No.185 of 2001. The Enquiry Officer of the Corporation had passed an order on 28/3/2001 directing the present petitioner to vacate Room No.11, Building No.17, 1st floor, 348 Tenements, Parksite Municipal Colony, Vikhroli (West). The lower Appellate Court recorded a finding that the petitioner came in possession of the suit house only on account of his being in the employment of the Corporation. It also noted that the petitioner retired from service on 1/6/1998 and,

therefore, the possession of the petitioner over the suit house was unauthorised.

. While the petition is rejected, it is directed that the Respodnent-Corporation shall settle the payments of retiral benefits of the petitioner within a period of eight weeks from today and till then he will continue to occupy the suit room, in case the same has not yet been taken over by the Corporation. It is further directed that on receipt of payment of the retiral benefits the petitioner shall, within 24 hours, vacate the suit house.

(B.H.MARLAPALLE,J.)